

REMARKS

By this Amendment, claims 1-3, 8-9, 19-20, 25 and 32-33 are amended to merely clarify the recited subject matter. Claims 1-33 are pending.

Applicants acknowledge the indication that claims 5, 6, 11, 21, 27 and 29 include allowable subject matter and would be allowable if rewritten in independent format; however, Applicants elect to delay such amendments at this time to afford the Office the full opportunity to reconsider the patentability of the rejected claims based on the following remarks.

Applicants submit that the objection to claim 9 and the rejection of claims 3, 8, 9, 19, 20, 25 and 32-33 are overcome because those amended claims are in full compliance with the requirements of 35 U.S.C. 112 and the C.F.R.

Claims 1-4, 7-10, 16-18, 19-20, 22-26, 28 and 30-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Kennedy et al. (U.S. 5,903,603; hereafter “Kennedy”) and Duault et al. (U.S. 5,638,365; hereafter “Duault”) and claims 12-15 were rejected under 35 U.S.C. 103(a) as unpatentable over the combined teachings of Kennedy, Duault and Chen (U.S. 6,553,423). Applicants traverse the rejections because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims.

For example, the cited prior art fails to disclose, teach or suggest the claimed method for changing a capability of a channel allocated to a connection in a telecommunications system, the method comprising detecting in an interworking function that a channel capability of the channel allocated to the connection must be changed and changing the channel capability into the desired capability of the channel allocated to the connection at the first and the second ends, as recited in independent claims 1-3.

Furthermore, the cited prior art fails to disclose, teach or suggest the claimed system wherein the first and the second interworking functions are arranged to allocate a channel in a first part to a connection between end-users, and the first and the second interworking functions are arranged to change the channel capability of the channel allocated to the connection into the desired one, as recited in independent claim 8. The cited prior art also fails to disclose, teach or suggest the claimed system node comprising a first interworking function arranged to allocate a channel to a user of the telecommunications system between itself and a second interworking function located in a second node of the telecommunications system, and:

(1) to detect a need for change in the channel capabilities of a channel allocated to the connection and to transmit to the second interworking function a first message that indicates desired capability change for a channel allocated to the connection (as recited in independent claim 19 and 32); and

(2) to receive a first message which indicates a need for change in a channel capability of a channel allocated to the connection, to check whether it can perform the change indicated in the first message, and if it can, to transmit a second message which indicates that the first interworking function can perform desired capability change for the channel allocated to the connection (as recited in independent claims 25 and 33).

The teachings of Kennedy are expressly limited to the subject of modem training, which occurs only during allocation of a channel. To the contrary, the claimed invention includes features relating to a channel capability change occurring for an allocated channel. Thus, Kennedy fails to disclose, teach or suggest any functionality or operations performed in association with a channel that has already been allocated. Hence, Kennedy fails to teach or suggest any of the claimed functionality performed for a channel allocated to a connection, e.g., detecting a need for change, receiving messages indicating a need for change, checking whether a change can be performed, etc.

Duault fails to remedy these deficiencies of Kennedy because Duault merely teaches methodologies for changing a data structure. However, changing a data structure is not the same as changing a channel capability; moreover, changing a data structure does not result in changing a channel capability. In fact, Duault actually teaches away from the claimed invention by teaching that, since the channel capability remains the same, regardless of different needs, either: (1) more channels are allocated for a connection; or (2) a data structure submitted over a channel is modified. In this way, teaches how to enable different bit rates without modifying the capabilities of an ATM channel.

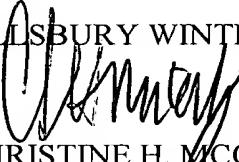
Chen also fails to remedy these deficiencies of Kennedy and Duault because Chen relates exclusively router operations performed in order to maintain routing capabilities during routing capability updates. However, Chen is silent regarding the claimed channel capability need detection and subsequent changes based on identified potential changes. Accordingly, even when combined, the cited prior art references fail to disclose, teach or suggest the claimed invention recited in the independent claims. Therefore, Applicants submit that the independent claims and their respective dependent claims are allowable over the cited prior art.

Therefore, Applicants request that a Notice of Allowance indicating the allowability of the pending claims be issued. However, if anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner telephone Applicants' undersigned representative.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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